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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,539

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Mario Festag

M&N-IT-204 D

3380

24131

7590

12/30/2004

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EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/791,539	Applicant(s) FESTAG ET AL.	
	Examiner Brigitte R. Hammond	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

***Claim Objections***

Claim 5 is objected to because of the following informalities: claim 5 depends upon claim 5, therefore, change numeral "5" to - 1 -. For purposes of examination, the examiner shall assume it depends upon claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-5, 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Waldron 3,530,479. Waldron discloses a housing-shaped shielding plate B comprising: a shielding plate body having a first region that could be disposed inside a metallic structure, said first region having a plurality of wall sections, and a second region to be inserted through a cutout of the metallic structure, at least one of said plurality of wall sections of said first region of said shielding plate body having at least one elongated opening S formed therein being a slot antenna through which electromagnetic waves produced within said shielding plate body are coupled out of said shielding plate body.

Regarding claim 3, said slot antenna runs in a longitudinal direction of said shielding plate body.

Regarding claim 4, said slot antenna runs at an angle relation to a longitudinal direction of said shielding plate body.

Regarding claim 5, said plurality of wall sections includes side wall sections and said slot antenna extends between opposite edges of one of said wall sections.

Regarding claim 8, said shielding plate body forms a housing.

Regarding claim 9, said at least one of said plurality wall sections is a side wall.

Regarding claim 10, said at least one of said plurality of wall sections is a rear wall (since applicant has not defined where the rear wall is).

Regarding claim 11, said at least one of said plurality of wall sections is an upper wall.

Regarding claim 12, said shielding plate body emits electromagnetic waves being coupled out of said shielding plate body and radiated into the interior of the metal structure.

Regarding claim 13, said second region has a connector receptacle (at G). Since the electrical component was not positively recited in claim 1, the electrical component includes an optoelectronic transceiver was given little patentable weight.

Regarding claim 14, Waldron discloses a shielding plate assembly comprising: an electrical component 16 and a housing-shaped a shielding plate 11, said shielding plate body having a first region to be disposed inside a metallic structure, said first region having a plurality of wall sections, and a second region to be inserted through a cutout of the metallic structure, at least one of said plurality of wall sections of said first region of said shielding plate body having at least one elongated opening formed therein being a slot antenna through which electromagnetic waves produced within said shielding plate body are

coupled out of said shielding plate body.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldon in view of Kurtz. Regarding claim 2, Waldon discloses the invention substantially as claimed except for the slot antenna having a length of  $\pi/2$  of the electromagnetic waves emitted. However, Kurtz discloses in claim 2, a slot antenna 40 having a length of  $\pi/2$  of the electromagnetic waves emitted. Therefore, it would have been obvious to one of ordinary skill to modify the shielding plate of Waldon by having a length of the slot  $\pi/2$  of the electromagnetic waves emitted as taught by Kurtz to obtain excitation in equal phases.

Regarding claim 6, Waldon discloses the invention substantially as claimed except for the slot antennas having different lengths formed in said shielding plate body. However, slot antennas having different lengths formed in said shielding plate body are well known in the art as evidenced by Kurtz, (see table 1). Therefore, it would have been obvious to one of ordinary skill to modify the shielding plate of Waldon by having slot antennas having different lengths formed in said shielding plate body.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waldron in view of Glabe et al. 5,748,1 142. Waldron discloses the invention substantially as claimed, except for absorber material applied over said elongate openings formed in said shielding plate body. However, absorber material for absorbing electromagnetic waves and being applied over elongate openings formed is well known in the art as evidenced by Glabe et al. Glabe et al. disclose absorber material applied over elongate openings (col. 1, lines 40-45). Therefore it would have been obvious to one of ordinary skill in the art to modify the shielding plate of Waldron by providing an absorber material applied over the elongated openings for absorbing electromagnetic waves as taught by Glabe et al.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fee 3,340,534 was cited for a similar slot antenna, Komiya 6,344,978 was cited for disclosing a shield case which is capable of significantly reducing the level of spurious radiation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brigitte R. Hammond  
Examiner  
Art Unit 2833

December 23, 2004